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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,740	01/16/2002	George Krikorian	50064	3485

7590 09/03/2003

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EXAMINER

AMIRI, NAHID

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,740

Applicant(s)

KRIKORIAN ET AL.

Examiner

Nahid Amiri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,407,798 B2 Graves et al., in view of US Patent No. 6,164,018 Runge et al.

In regard to claim 11: Graves discloses the claimed invention FIG. 1, column 2, line 38-40, a theater 10 including upper seating level A (as marked) and lower seating level B (as marked) and a middle level for use of a motion picture projection camera Graves does not disclose structure having a plurality of individual theaters with separate exit and entrance and mezzanine and concession for each level. Runge teaches FIG. 1, column 2, line 44-67, a six theaters multiplex 10 having six theaters 12,14,16, 18, 20, 22 and 14 and each floor having a separate exit and entrance 12a and 12g. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide a structure with a plurality of theater having a separate mezzanine and concession in order to create multiplex theater for showing different type of motion pictures.

In regard to claim 12: Graves discloses the claimed invention except having a plurality of theater which each different format of motion picture. Graves discloses theater 10 column 2, line 41-44, the theater 10 capable of performing as a regular or large motion picture projection theater. Runge teaches FIG. 1, column 2, line 44-45, the theater multiplex 10 with a plurality of theaters. It would have been obvious to one of ordinary skill in the art at the time of invention

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was made to provide a plurality of theater under one structure in order to show different type of motion picture in each theater as taught by Runge.

In regard to claim 13: Graves discloses the claimed FIG. 1, each segregated seating level A and B has seating D (as marked) and D' (as marked) for disabled patrons at areas other than only at the very front of the theater 10.

In regard to claim 14: Graves discloses the claimed invention FIG.1, column 4, line 13-15, a theater 10 having a multiple sound speakers 32a-g placed throughout the theater so as to eliminate sound dead spots in the 18 theater.

In regard to claim 15: Graves discloses the claimed invention except a plurality of theater having at least one theater has screen for regular format and another theater for large format motion picture. Runge teaches FIG. 1, column 2, line 44-67, a six theaters multiplex 10 having six theaters 12,14,16, 18, 20, 22 and 14. It would have been obvious to one of ordinary skill in the art at the time of invention was made to assign at least one theater for regular format and another theater for large format motion picture in order to attract different type of audience for different type of motion pictures.

Response to Arguments

Applicant's arguments filed 02 July 2003 have been fully considered but they are not persuasive.

Applicant asserts that the cited arts does not disclose the claimed invention. Examiner disagrees.


Cited arts used as the basis for rejection under 35 USC § 103 is only required to disclose the claimed limitations. Complexity of the cited art compared to the claimed invention is irrelevant. As discussed above, the Graves '798 discloses the detail claimed limitations of the single theater and Runge '018 teaches the multiplex theater and it is obvious to modify the

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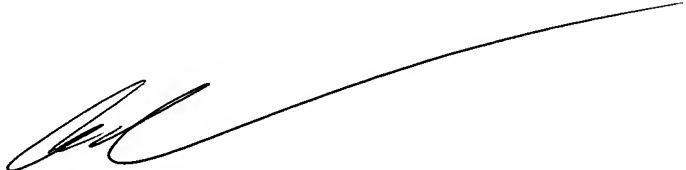
Graves theater and create multiplex theater in regard to applicant's argument that the prior art does not disclose having different type of theater for regular and large motion picture and it is obvious to assign each theater for different type of motion picture and it does not have anything to do with the structure and design of the theater. Additionally because Graves '798 and Runge '018 disclose the claimed structural limitations, it is also inherently capable of performing the same functions as the claimed invention

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (703) 305-4241 and Fax number is 703-872-9306. The examiner can normally be reached on Monday-Friday from 8:00-5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl Friedman can be reached at (703) 308-0839.

na 

August 28, 2003


Carl D. Friedman
Supervisory Patent Examiner
Group 3600

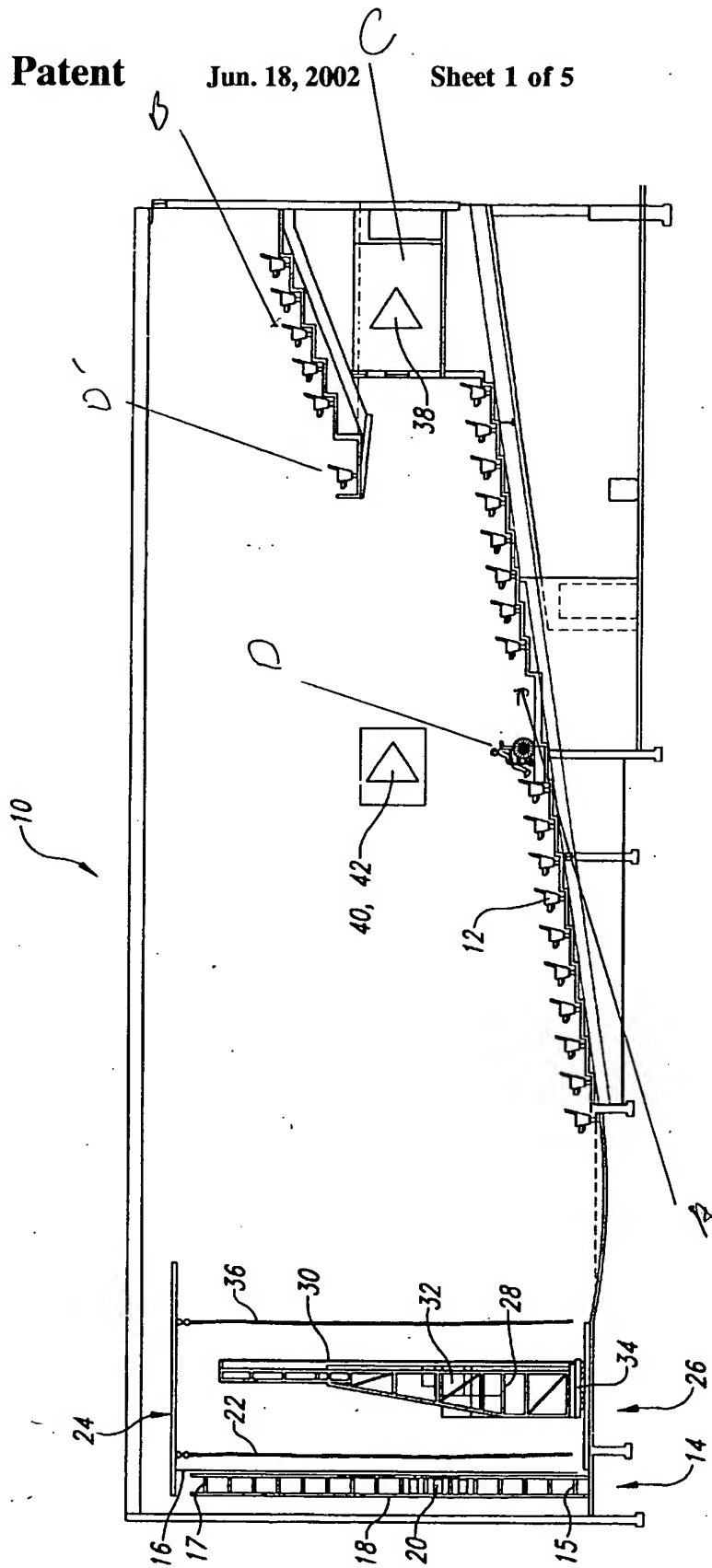


Fig. 1